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COLORADO DEPAKIMENT OF HEALTH Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. 8.
Denver, Colorado 50222-1530
Phone (303) 692-2000
Conver, Colorado 50220-3716
(303) 691-4700

February 18, 1994



ie A. Modert, MD, MPH MA Director

Mr. Richard J. Schassburger U.S Department of Energy Rocky Flats Plant Building 116 P. O. Box 928 Goldon, Colorado 80402-0928

Building 788 Activities, Denial for Separate IM/IRA

Dear Mr. Schassburger.

The Colorado Department of Health, Hazardous Materials and Waste Management Division ("the Division") and the U. S. Environmental Protection Agency ("EPA") have reviewed DOB's letter of February 11, 1994. Your request for a separate IM/IRA for Building 788 scrivities which includes the closure of RCRA Units 21 and 48 and the cleanup, disassembly, and relocation of Building 788 ("the B788 activities") is hereby denied.

Your are also advised that the B788 activities remain a necessary prerequisite to the construction of an engineered cover within OU-4. Inclusion of B788 activities within the original IM/IRA was clearly intended to eliminate the building as an obstacle to the impending OU-4 action (See Attachment 3.3 of the OU-4 dispute resolution agreement, dated September 30, 1993). Consequently, B788 activities must remain a component of the OU-4 IM/IRA.

Although the construction start date for OU-4 is subschiled for September 27, 1995, DOR may logally commence Building 788 activities ten days after Division and RPA approval of the Final IM/IRA Decision Document. Delivery of the final document is scheduled for January 13, 1995 and approval should occur within the first quarter of CY 1995. Therefore, DOB, in consultation with the Division and EPA, must provide a schedule for the timely completion of B788 activities within the "Draft IM/IRA Decision Document" scheduled for delivery on April 14, 1994. (Start of B788 activities will not be decined start of construction for the OU-4 closure action.)

The Draft IM/IRA Decision Document (IM/IRA DD) is a primary IAG deliverable. Failure to submit viable schedules within the IM/IRA DD will be considered a failure to submit an adequate primary document and will subject DOE to atipulated penalties as provided in Part 19 of the LAG.

Our letter of Jamazy 27, 1994 required DOB to substantiate the need for a separate IM/IRA document by February 4, 1994. Your reply of February 4th failed to provide the necessary information. Despite being granted a verbal extension to February 8th, DOH again failed to provide

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the information in a timely manner. In addition, your response of February 11, 1994 again provided no actual justification for removing B788 activities from the OU-4 IM/IRA Decision Document. DOE failed to answer the central question of why B788 activities should be further expedited in order to support the OU-4 construction start date of September 27, 1995.

Our willingness to consider a separate IM/IRA had been to accommodate DOB's desire for an expedited action. However, despite early and repeated verbal appeals by members of Division and RPA staff for DOE to justify a separate administrative action, and as expressed in our letter of January 29th, DOB failed to complied with these requests.

We had always maintained that the B788 activities could be done within the context of the OU-4 IM/IRA administrative process. We saw little benefit in removing B788 activities from the OU-4 IM/IRA Decision Document. Additionally, our rationals for rejecting a separate IM/IRA is the cost, staff time and additional public comment that must be incurred.

We remain open to further streamlining of the process for B788 activities to the extent that they support the accelerated schedule for the closure of OU-4. We believe that this can be accomplished within the context of a single IM/IRA Decision Document.

DOB must now incorporate B788 activities into the OU-4 IM/IRA DD as originally agreed. This may be accomplished as an attachment to the OU-4 IM/IRA Decision Document. Please address any National Environmental Policy ACT (NEPA) issues in the Building 788 attachment or in the body of the OU-4 IM/IRA as appropriate or expeditious.

If you have any questions, please call Harlan Airscough at 692-3337 or Arturo Duran at 294-1080.

Sincerely.

Gary W. Baughman, Chief

Facilities Section

Hazardous Waste Control Program

Colorado Department of Health

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Daniel S. Miller, AGO
Jackie Berardini, CDH-OB
Dana Lindsay, DOB
Frazer Lockhart, DOB
Vern Witherill, DOB
Ted Kearns, DOB/KMI
Andy Ledford, BG&G
Randy Ogg, EG&G
David Erickson, BG&G
Tye DeMass, EG&G

Mark Herkand

Martin Hestmark, Manager

Rocky Flats Project

U. S. Environmental Protection Agency